



IPW

Docket No.: NHL-NP-49-NP  
Serial No.: 10/528,748  
Customer No.: 00432

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: (NOT YET RECEIVED)  
ART UNIT: 1642  
SERIAL NO.: 10/528,748  
FILING DATE: March 22, 2005  
INVENTORS: Claas JUNGHANS, Matthias SCHROFF, Christiane  
JUHLS, and Detlef OSWALD  
TITLE: VACCINE AGAINST ONCOVIRUS INFECTIONS, SUCH  
AS INFECTIONS BY FELINE LEUKOSIS  
VIRUS OF THE CAT

Greensburg, Pennsylvania 15601

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 19, 2006

**TRANSMITTAL LETTER**

Sir:

Please find transmitted herewith the following documents  
relating to the above-cited case:

- 1) a Petition for Correction of U.S. Patent and Trademark  
Office Mistakes Under 37 C.F.R. §1.322;
- 2) a copy of the official Filing Receipt with the changes  
noted thereon;
- 3) a copy of the executed Declaration and Power of Attorney  
document; and
- 4) a stamped, self-addressed postcard, return of which is  
requested to acknowledge receipt of the enclosed  
documents.

Docket No.: NHL-NP-49-NP  
Serial No.: 10/528,748  
Customer No.: 00432

TRANSMITTAL LETTER  
Page 2

It is believed that no fee is required to file the enclosed documents.

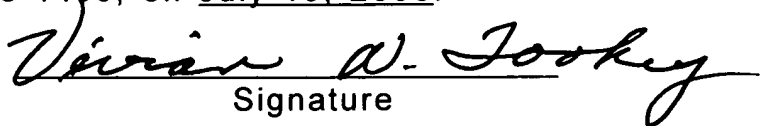
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 19, 2006.

Respectfully submitted,



Nils H. Ljungman, Esq.  
Attorney for Applicant[s]  
Reg. No. 25,997  
Name of person signing certification  
Nils H. Ljungman & Associates  
P.O. Box 130  
Greensburg, PA 15601-0130  
Telephone: (724) 836-2305  
Facsimile: (724) 836-2313

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 19, 2006.

  
Signature

Vivian W. Toohey  
Name of person mailing paper or fee

July 19, 2006  
Date



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TITLE: VACCINE AGAINST ONCOVIRUS INFECTIONS, SUCH  
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VIRUS OF THE CAT

Greensburg, Pennsylvania 15601

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 19, 2006

**PETITION FOR CORRECTION OF U.S. PATENT AND TRADEMARK  
OFFICE MISTAKES UNDER 37 C.F.R. §1.322**

Sir:

The official Filing Receipt in the above-cited case, a copy of which is enclosed herewith, has been incorrectly recorded in that the Applicants section contains an error. Specifically, the name of the fourth inventor has been incorrectly recorded as "Vierte Detlet Oswald". The correct name of the fourth inventor should read:

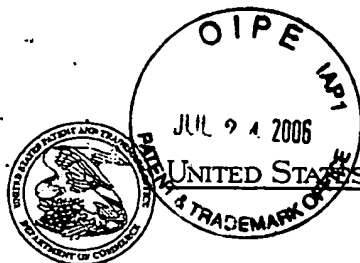
--Detlef Oswald--.

In addition, the Domestic Priority data as claimed by applicant section contains an error. Specifically, the priority date for PCT/DE03/03179 has been incorrectly recorded as "09/23/2002". The correct priority date for PCT/DE03/03179 should read:

--09/19/2003--.

Further, the title section contains errors. Specifically, the title has been incorrectly recorded as "Vaccine against infections caused

(2)

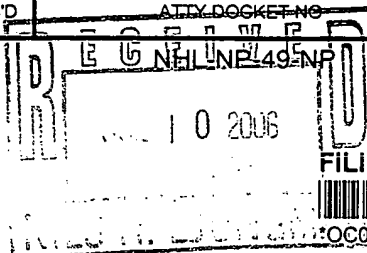


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO.	DRAWINGS	TOT CLMS	IND CLMS
10/528,748	03/13/2006	1642	515	REG 10 2006	11	18	4

432  
 NILS H. LJUNGMAN & ASSOCIATES  
 P. O. BOX 130  
 GREENSBURG, PA 15601-0130



CONFIRMATION NO. 9385

FILING RECEIPT



OC000000019421683

Date Mailed: 07/03/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Claas Junghans, Berlin, GERMANY;  
 Matthias Schroff, Berlin, GERMANY;  
 Christiane Juhls, Berlin, GERMANY;  
~~DETLEF~~ ~~Vierte Detle~~ ~~Oswald~~, Berlin, GERMANY;  
 Hans Lutz, Rudlingen, SWITZERLAND;

Power of Attorney: The patent practitioners associated with Customer Number 432.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DE03/03179 09/23/2002 <sup>19</sup> 2003

## Foreign Applications

GERMANY 10244863.9 09/23/2002

Projected Publication Date: 10/05/2006

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

*PNCOVIRUS*  
 Vaccine against infections caused by oncoviruses such as the feline leucosis virus of cats  
*INFECTIONS BY THE*

**Preliminary Class**

424

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PTO/SB/103 (8-96)

Approved for use through 9/30/98. OMB 0851-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

# Declaration and Power of Attorney for Patent Application

## Erklärung für Patentanmeldungen mit Vollmacht

### German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

VACCINE AGAINST ONCOVIRUS INFECTIONS,  
SUCH AS INFECTIONS BY FELINE LEUKOSIS  
VIRUS OF THE CAT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which is attached hereto unless the following box is checked:

deren Beschreibung hier beigelegt ist, es sei denn (in diesem e Zutreffendes bitte ankreuzen), diese Erfindung

☒ wurde angemeldet am 19. September 2003 unter der US-Anmeldenummer oder unter der Internationalen Anmeldenummer im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) PCT/DE2003/003179 und am                      abgeändert (falls zutreffend).

☐ was filed on                      as United States Application Number or PCT International Application Number                      and was amended on                      (if applicable).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## German Language Declaration

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

Prior Foreign Applications  
(Frühere ausländische Anmeldungen)

102 44 863.9 Germany  
(Number) (Country)  
(Number) (Land)

(Number) (Country)  
(Number) (Land)

Ich beanspruche hiermit Prioritätsvorteile unter Title 35, US-Code, § 119(e) aller US-Hilfsanmeldungen wie unten aufgezählt.

(Application No.) (Filing Date)  
(Aktenzeichen) (Anmeldetag)

(Application No.) (Filing Date)  
(Aktenzeichen) (Anmeldetag)

Ich beanspruche hiermit die mir unter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

CT/DE2003/003179 9. September 2003

(Application No.) (Filing Date)  
(Aktenzeichen) (Anmeldetag)

(Application No.) (Filing Date)  
(Aktenzeichen) (Anmeldetag)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed  
Priorität nicht beansprucht

23. September 2002

(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

### Pending

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwebend, aufgegeben)

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwebend, aufgegeben)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



MAR. 3. 2005 3:58PM

LJUNGMAN LAW OFFC 1 724 523 5230

NO. 717 P. 5

PTC/SB/103 (6-96)

Approved for use through 9/30/98. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## German Language Declaration

VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt (Name(n) und Registrationsnummer(n) auflisten)

Nils H. Ljungman, Reg. No. 25,997

Postanschrift:

P.O. Box 130, Greensburg, PA 15601-0130

Telefonische Auskünfte: (Name und Telefonnummer)

Nils H. Ljungman, 724-836-2305

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Send Correspondence to:

Direct Telephone Calls to: (name and telephone number)

<b>Class JUNGHANS</b> Vor- und Zuname des einzigen oder ersten Erfinders		Full name of sole or first inventor	
Unterschrift des Erfinders <i>[Signature]</i>	Datum <i>7. März</i>	Inventor's signature	Date
Wohnsitz Germany		Residence	
Staatsangehörigkeit Germany		Citizenship	
Postanschrift Oldenburgerstr. 37, 10551, Berlin, Germany		Post Office Address	
Germany			
<b>Matthias SCHROFF</b> Vor- und Zuname des zweiten Miterfinders (falls zutreffend)		Full name of second joint inventor, if any	
Unterschrift des zweiten Erfinders	Datum	Second Inventor's signature	Date
Wohnsitz Germany		Residence	
Staatsangehörigkeit Germany		Citizenship	
Postanschrift Friedbergstr. 5; 14057, Berlin, Germany		Post Office Address	
Germany			

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

MAR. 3. 2005 3:58PM

LJUNGMAN LAW OFFC 1 724 523 5230

NO. 717 P. 5

PTO/SB/103 (6-96)

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Nils H. Ljungman, 724-836-2305

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Send Correspondence to:

Direct Telephone Calls to: (name and telephone number)

Claus JUNGHANS Vor- und Zuname des einzigen oder ersten Erfinders		Full name of sole or first inventor	
Unterschrift des Erfinders	Datum	Inventor's signature	Date
Wohnsitz Germany		Residence	
Staatsangehörigkeit Germany		Citizenship	
Postanschrift Oldenburgerstr. 37, 10551, Berlin, Germany		Post Office Address	
Germany			
Matthias SCHROFF Vor- und Zuname des zweiten Miterfinders (falls zutreffend)		Full name of second joint inventor, if any	
Unterschrift des zweiten Erfinders	Datum	Second Inventor's signature	Date
Wohnsitz Germany		Residence	
Staatsangehörigkeit Germany		Citizenship	
Postanschrift Friedbergstr. 5, 14057, Berlin, Germany		Post Office Address	
Germany			

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

MAR. 3. 2005 3:59PM

LJUNGMAN LAW OFFC 1 724 523 5230

NO. 711 P. 0

PTO/SB/103 (8-96)

Approved for use through 9/30/98. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Nils H. Ljungman, Reg. No. 25,997

Postanschrift:

P.O. Box 130, Greensburg, PA 15601-0130

Telefonische Auskünfte: (Name und Telefonnummer)

Nils H. Ljungman, 724-836-2305

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Send Correspondence to:

Direct Telephone Calls to: (name and telephone number)

Vor- und Zuname des einzigen oder <sup>dritte</sup> <del>ersten</del> Erfinders Christiane JÜHLS	Full name of sole or <sup>third</sup> <del>first</del> inventor
Unterschrift des Erfinders <i>Chr. Jühls</i> Datum <i>17.03.05</i>	Inventor's signature Date
Wohnsitz Germany	Residence
Staatsangehörigkeit Germany	Citizenship
Postanschrift Pestalozzistr. 33, 10627, Berlin, Germany	Post Office Address
Germany	
Vor- und Zuname des <sup>vierte</sup> <del>zweiten</del> Miterfinders (falls zutreffend) Detlef OSWALD	Full name of <sup>fourth</sup> <del>second</del> joint inventor, if any
Unterschrift des zweiten Erfinders <i>Detlef Oswald</i> Datum <i>22.03.05</i>	Second Inventor's signature Date
Wohnsitz Germany	Residence
Staatsangehörigkeit Germany	Citizenship
Postanschrift Paul-Linke-Ufer 33 10999 Berlin, Germany	Post Office Address
Germany	

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

Docket No.: NHL-NP-49-NP  
Serial No.: 10/528,748  
Customer No.: 00432

by oncoviruses such as the feline leucosis virus of cats". The correct title should read:

--Vaccine against oncovirus infections, such as infections by feline leucosis virus of the cat--.

A photocopy of the executed Declaration and Power of Attorney document is also enclosed herewith to support this correction.

Since the mistakes have been made by the staff of the U.S. Patent and Trademark Office, it is believed that no fee is due to file this petition.

Corrections and a corrected official Filing Receipt are requested.

If mailed, I, the person signing this certification below, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date indicated in the certification of mailing on the transmittal letter sent herewith, or if facsimile transmitted, I, the person signing this certification below, hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated in the certification of facsimile transmission on the transmittal letter which is being facsimile transmitted herewith.

Respectfully submitted,



Nils H. Ljungman, Esq.  
Attorney for Applicant[s]  
Reg. No. 25,997  
Name of person signing certification  
Nils H. Ljungman & Associates  
P.O. Box 130  
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